FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3809 OF 2006

IN

FIRST APPEAL NO.136 OF 2003

. . . . . .

Office notes, office Memoranda of Coram, appearances, Court;s orders or directions & Orders Registrar's orders.	: : :	**Court's or Judge's**

. . . . . .

Ms. Kavita Pawar, for applicants.
Mrs. A. R. S. Baxi for respondent.

CORAM : SMT. RANJANA DESAI &
V. K. TAHILRAMANI, JJ.

DATE : 13TH OCTOBER, 2006.

P.C.

1. Heard the learned counsel for the parties .

2. Admittedly the entire decreetal amount is deposited by the respondent in the trial court.

3. The case of the first applicant is that, her husband died because live electric wire

had broken down and it was hanging. The death of her husband had occurred due to the contact with the said electricity supply line. She has attributed negligence to the respondent. The learned counsel for the applicant says that the first applicant is a poor lady and she will not be able to furnish any security and hence she may be permitted to withdraw at least half of the deposited amount, without security. In our opinion, in the circumstances of the case, following order will meet the ends of justice.

4. The first applicant is permitted to withdraw an amount of Rs. 2 lacs out of the deposited amount without security. She is also permitted to withdraw another sum of Rs. 2 lacs after furnishing the bank gurantee to the satisfaction of the trial court. The trial court to invest rest of the amount in any nationalized bank on usual terms and that amount will be abide by the final order that may be passed in this first appeal.

5. Civil Application is disposed of.